

Attorney Docket No. 09792909-5918

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Shiro Uchida et al.) **VIA FACSIMILE**
Application No. 10/821,342)
Filed: April 9, 2004) I hereby certify that this document is
For: SEMICONDUCTOR LASER DEVICE AND) being transmitted via facsimile
FABRICATION METHOD THEREOF) (Facsimile No.: 571-273-0025) to:
Group Art Unit: 2828) Attention: Office of Petitions,
Examiner: Dung (Michael) T. Nguyen) Commissioner for Patents, P.O. Box
) 1450, Alexandria, VA 22313-1450 on:
) May 11, 2005
) *Suzannah Maguigad*
) Suzannah Maguigad
)

Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE PURSUANT TO 37 C.F.R. §1.313

Dear Sir:

Applicants petition herewith for withdrawal of the above-identified application from issue after payment of the issue fee for further action pursuant to 37 C.F.R. §1.313(c)(2). The required fee is enclosed herewith pursuant to §1.17(h).

Applicants request that the Office withdraw the above-identified application from issue in consideration of a Request for Continued Examination in compliance with §1.114. Withdrawal of the above-identified application from issue is necessary in order to amend the application to correct significant defects in the allowed application. Particularly, in allowed claims 1 and 2, equation (1) “ $\Delta n \leq 0.004 \times W + 0.0123$ ” should read

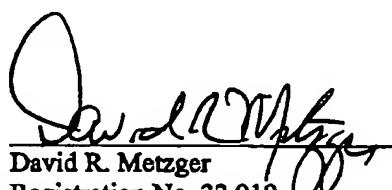
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-- $\Delta n \leq -0.004 \times W + 0.0123$ --, where constant "a" is set to -0.004. According to the embodiment of the above-identified application, in the case of the nitride based semiconductor laser device 40, in order to set the kink level to 50 mW or more and also set the half-value width θ_{para} to 7.5° or more, the constant "a" in the equation (1) is set to -0.004. Support is found at page 20, lines 2-10 in the specification as originally filed.

The "Notice of Allowance and Fee(s) Due," was mailed on March 15, 2005, and the issue fee was paid on April 29, 2005 in the above-identified application. A Request for Continued Examination, Amendment Pursuant to §1.114, and fee pursuant to §1.17(e), are also submitted herewith, and pursuant to 37 C.F.R. §1.313(c)(2).

Patentees respectfully submit the foregoing good and sufficient reasons to show that the withdrawal of the above-identified application is necessary, and request the grant of this Petition. The Commissioner is hereby authorized to credit overpayments or to charge any deficiency in a required fee to Deposit Account No. 19-3140.

Respectfully submitted,

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Dated: May 11, 2005